

Honorable Judge Timothy W. Dore  
Chapter 7  
Hearing Location: Seattle

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN WASHINGTON DISTRICT OF WASHINGTON

IN RE

MAUREEN D NOLAN

DEBTOR.

No.: 12-14199-TWD

DECLARATION IN SUPPORT OF MOTION FOR  
RELIEF FROM STAY BY WELLS FARGO BANK,  
N.A.

The undersigned declares and states:

1. I am of legal age, not a party to the above captioned action, and competent to be a witness.

2. I am employed by Wells Fargo Bank, N.A. ("Creditor") as a VP Loan Documentation. I have received training about the process by which Creditor maintains its loan records and evaluate status based upon those records and I am familiar with the same. Based upon my observations and experience working with Creditor, I know that records kept are in the course of regularly conducted business and are a matter of the business routine. Entries in the records are made at or near the time of the event recorded by or with information from a person with knowledge of the event recorded. My training includes instruction on how to access business records necessary to offer testimony concerning loan status and documentation. My testimony is based upon my training and knowledge of Creditor's record keeping system, the practices that are followed when entries or documents are added to the electronic record, and my review of this particular file in the electronic record.

3. When an original promissory note and deed of trust is delivered to Creditor, Creditor's practice is to scan the documents in order to save an electronic copy in the computerized records system. An electronic copy of the note is present in Creditor's business records only if the original of the document was at one time in Creditor's possession, or Creditor had the right to possess the original. Subsequent to making the electronic copy, Creditor's practice is to transfer the original documents to a secure document storage facility for safekeeping. If required,

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1 Creditor has the ability to cause the production of the original documents. If a promissory note is transferred or sold  
2 to another entity, the record keeping procedure requires that an entry on the record be made to reflect the transfer.  
3 The absence of such an entry of transfer indicates that Creditor has not further endorsed and delivered the note to  
4 another party and that Creditor retains dominion and control over the note.

5 4. On October 4, 2006, the debtor executed and delivered a Promissory Note to Wells Fargo Bank, N.A.  
6 The Note represents the debtor's promise to pay \$210,000.00. Wells Fargo Bank, N.A. indorsed the promissory note  
7 in blank. Creditor is in possession of the original note either directly or through the use of an authorized agent  
8 and/or document custodian. A true and correct copy of the indorsed Note is attached as Exhibit A. I have reviewed  
9 the electronic record as it pertains to the location of the original note. Based on the electronic record, the original  
10 note indorsed in blank is currently held by or for Creditor at 1015 10<sup>th</sup> Ave. SE, Minneapolis MN 55414.


11 5. Creditor's security interest is based upon a Mortgage executed by Debtor on or about October 4, 2006.  
12 The Mortgage created the lien on the property located at 68-055 Akule Street, Apt #110, Unit 110, Waiialua, HI  
13 96791-9448. The Mortgage was recorded on October 16, 2006 under State of Hawaii recording number 2006-  
14 188370. A true and correct copy of the recorded Mortgage is attached as Exhibit B.

15 6. Creditor's records on the loan that is the subject of present motion reflect that the loan is contractually  
16 due for payments owed on and after December 1, 2010. The monthly payment amount is currently \$1,349.73.

17 7. The Principal Balance due on the loan is \$220,137.38.

18 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

19 Dated this 11 day of May, 2012.

20  
21   
22 Name: Jahmiah Clark  
23 Title: VP Loan Documentation  
24 Wells Fargo Bank, N.A.  
25

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